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10 UNITED STATES BANKRUPTCY COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 In re:

13 MICHAEL C. WEAVER and PAMELA K.
14 WEAVER

15 Debtor.

Case No. 2010-50408

DCN: MLA-001

NO HEARING SET

16 **MOTION OF DEBTOR FOR ORDER PURSUANT TO BANKRUPTCY**
17 **RULE 1007(C) EXTENDING TIME FOR DEBTOR TO**
18 **FILE HIS SCHEDULES, STATEMENT OF AFFAIRS AND PLAN**

19 The Debtors in the above-captioned case (the “Debtors”) hereby moves this Court for entry
20 of an order, under Rule 1007(a) and (c) of the Federal Rules of Bankruptcy Procedure (the
21 “Bankruptcy Rules”), extending the deadline by which the Debtor must file his schedules of assets
22 and liabilities (the “Schedules”), statement of financial affairs (the “SOFA”) and Plan by 14 days.

23 **JURISDICTION AND VENUE**

- 24 1. This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and
25 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue of this case and this
26 Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409.

1 The legal predicates for the relief requested herein are Bankruptcy Rule 1007(a)
2 and (c).

3 **BACKGROUND**

- 4 1. On November 19, 2010 (the “Petition Date”), the Debtors filed his voluntary petition in
5 this Court for relief under chapter 13 of the Bankruptcy Code. The factual background
6 regarding Debtors the events leading to the filing of this bankruptcy case, and the need
7 for extension of time to file his Schedules, SOFA and Plan is set forth in the Declaration
8 of Mitchell L. Abdallah (“Abdallah declaration”).
9
10 2. A trustee has been appointed in this chapter 13 case.

11 **RELIEF REQUESTED**

- 12 3. By this Motion, the Debtor requests that the Court enter an order extending the deadline
13 to file their Schedules, plan and SOFA from December 3, 2010 through and including
14 December 17, 2010.

15 **APPLICABLE AUTHORITY**

- 16
17 4. Under Bankruptcy Rule 1007(c), the Debtor may obtain a further extension of the
18 Schedules, Plan and SOFA deadline for “cause” shown.
19
20 5. Debtor incurred severe hardship after the collapse of the mortgage market. The
21 respective mortgage market has caused Debtors residential loan to spiral out of control.
22 These events have caused Debtors to become extremely delinquent in their debt
23 repayment. Debtors faced imminent foreclosure sale of his property. Debtor’ s last
24 recourse was to file an emergency Chapter 13 petition to stay any and all adverse creditor
25 actions. Debtor submits that “cause” exists to extend the Schedules deadline by 14 days.
26 The requested extension will enhance the accuracy of the Debtor’s Schedules, Plan and
27 SOFA and avoid the necessity of subsequent amendments.
28

1
2 **NO PRIOR REQUEST**

3 6. No previous request for the relief sought herein has been made to this Court or any other
4 court.

5 **CONCLUSION**

6 WHEREFORE, the Debtors respectfully request that the Court enter an order granting the
7 relief requested in the Motion and such other and further relief as may be just and proper.
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10 **ABDALLAH LAW GROUP**

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13 /s/ MITCHELL ABDALLAH

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15 _____
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18 PAMELA K. WEAVER
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